IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Civil Revision No. 4451 of 2007
Date of decision: 6.9.2007

Matadeen and another **.....Petitioners**

Versus

Atam Parkash **...Respondent**

CORAM: HON'BLE MR. JUSTICE RAJESH BINDAL

Present: Mr. Rameshwar Malik, Advocate for the petitioners.

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RAJESH BINDAL, J.

The challenge in the present petition is to an order dated August 13, 2007 passed by learned Additional District Judge, Narnaul dismissing the application filed by the defendants for amendment of written statement at the appellate stage.

Prayer made in the application was that as per the revenue record, on spot no Khasra No. 3118 was existing as the same had been divided into two portions, namely, 3118/1 and 3118/2. As the claim made in the plaint was regarding Khasra No.3118, which was not in existence, the amendment was necessary as in case the same is accepted, suit filed by the plaintiff would not be maintainable as the property was non existent. However, on perusal of the judgment of the trial Court, it is found that it already recorded Khasra No.3118 and its bifurcation into 3118/1 and 3118/2 in para 13 thereof. While granting the relief also, the trial Court noticed Khasra No.3118/1. Even in the title of appeal, petitioner-appellant had mentioned about Khasra No. 3118/1. Once the Court was in notice of the correct position of the Khasra No. and the necessary material was already on record, I do not find any merit in the application for amendment filed by the petitioner at the appellate stage.

Accordingly, the revision petition is dismissed.

September 06, 2007 **(Rajesh Bindal)**
Pka **Judge**